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IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY NINETH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT PETITION NO : 34914 of 1998

Between:

C.V. Narayana, 50 years,

S/o. C. Subbarayudu,

R/o. H.No.20-5-380/D,

Sanjay Gandhi Colony,

Korlakunta Bi-pass Road,

Tirupathi.

..... PETITIONER

AND

1. The Managing Director,

A.P.S.R.T.C., Musheerabad,

Hyderabad.

2. The Depot Manager, A.P.S.R.T.C.,

Tirupathi Depot, Tirupathi,

Chittor District.

3. The Regional Manager,

A.P.S.R.T.C., Tirupathi Region,

Tirupathi, Chittor District.

.....RESPONDENT

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or writ particularly in the nature of Writ of Mandamus, declaring the action of the respondents in not reckoning his service from the date of his initial appointment i.e., w.e.f. 5/12/77 is wholly illegal, arbitrary, unjust and discriminatory and contrary to law and also violative of Articles 14, 16 & 21 of the Constitution of India and consequently direct the respondents to regularize his service from the date of his initial appointment i.e., w.e.f. 5/12/77 instead of 13/11/80.

Counsel for the Petitioner: MS.B.MALLESWARI

Counsel for the Respondents: MR.A.V.SIVAIAH

S.C. for APSRTC

The Court made the following:

ORDER:

The writ petition is filed seeking a writ of mandamus declaring the action of the respondents in not reckoning the service of the petitioner from the date of his initial appointment i.e., 05-12-1977 in the cadre of Junior Clerk, as illegal, arbitrary and violative of the Articles 14, 16 and 21 of the Constitution of India, with a consequential direction to the respondents to regularize the service of the petitioner with effect from 05-12-1977 in the cadre of Junior Clerk.

The case of the petitioner is that he was initially appointed as Junior Clerk on 5.12.1977, on emergency basis. His services were terminated as Junior Clerk with effect from 11-07-1980, since he failed in the test conducted for regularization of his services. However, the case of the petitioner was considered for engaging him as conductor, along with other persons, who failed in the test, conducted for regularization as Junior Clerk, and appointed him as conductor, with effect from 13-11-1980, under Regulation 17 of A.P.S.R.T.C Service Regulations. Thereafter, when a recruitment was conducted by the Corporation for the post of Junior Clerk, the petitioner again appeared as a departmental candidate and selected for the said post, and accordingly, he was appointed as Junior Assistant with effect from 12-09-

1986. Thereafter, his services were regularized as Junior Clerk and he was also promoted as Senior Assistant.

It appears that the petitioner made a representation on 28-07-1992 to the third respondent, seeking regularization of his services as Junior Clerk from the date of his initial appointment, i.e.5.12.1977, though he was terminated on 11-07-1980 and there was a gap of four months in between the date of his termination and date of appointment as conductor, in which cadre he worked for six years. According to the petitioner, the said representation was pending before the third respondent for consideration.

Be that as it may, admittedly, the petitioner was appointed as Junior Clerk on 05-12-1977, on emergency basis and when the services of the petitioner and others were sought to be regularized in the cadre of Junior Clerk, a test was conducted to them. As the petitioner failed in the said test, he was terminated from the post of Junior Clerk, with effect from 11-07-1980. Again four months thereafter i.e. on 13-11-1980, the petitioner was appointed as conductor and worked in the said cadre till 11-09-1986. While working as conductor, the petitioner appeared as departmental candidate for the post of Junior Clerk and on his selection, he was appointed as Junior Clerk with effect from 12-09-1980. Thereafter, he was promoted as Senior Assistant. After this length of time and having worked in different cadres, the petitioner is seeking regularization of his services in the cadre of Junior Clerk with effect from 05-12-1977, i.e. the date of initial appointment. In such circumstances, the plea of the petitioner that his services should be regularized with effect from 05-12-1977 cannot be accepted.

The learned counsel for the petitioner is unable to point out any Regulation of the Corporation, under which the petitioner is entitled for regularization of his services in the cadre of Junior Clerk in the above circumstances. In view of the above, it appears that this is only a speculative litigation, and I do not find any merits in this writ petition and the same is liable to be dismissed.

The Writ Petition is accordingly dismissed. No costs.

C.V. Ramulu, J

29th July, 2004

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ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Managing Director,

A.P.S.R.T.C., Musheerabad,

Hyderabad.

2. The Depot Manager, A.P.S.R.T.C.,

Tirupathi Depot, Tirupathi,

Chittor District.

3. The Regional Manager,

A.P.S.R.T.C., Tirupathi Region,

Tirupathi, Chittor District.

3. Two CD copies